

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00838-FDW

OBADIAH DOCTOR,)
)
)
Plaintiff,)
)
)
v.)
)
DAVID MITCHELL, Superintendent;)
KEN BEAVER, Assistant Superintendent;)
DENNIS MARSHALL, Unit Manager;)
C. PARKER, Sergeant; FNU MELIN,)
Corrections Officer; FNU HOYLE,)
Corrections Officer, FNU HARRIS,)
Nurse,)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court on an initial review of Plaintiff's pro se complaint that he filed pursuant to 42 U.S.C. § 1983. (Doc. No. 1).

Plaintiff is a prisoner of the State of North Carolina who filed a complaint that included allegations virtually mirroring the allegations in the present complaint. (3:15-cv-452-FDW). In sum, Plaintiff contends, among things, that the defendants were indifferent to his serious medical needs, and that defendants subjected him to cruel and unusual punishment resulting in serious injury. In both cases, Plaintiff names three of the same defendants and he adds additional defendants in Case No. 3:16-cv-838-FDW. In the 2015 case Plaintiff filed a motion to amend his complaint which was granted.

Because the allegations in each complaint are so aligned the Court will order that the present case be dismissed and that the Clerk add the defendants from this case to the caption of the 2015 case, and that Plaintiff's complaint in 3:16-cv-838 be filed in Case No. 3:15-cv-452 and captioned as an Amended Complaint. This order will promote judicial economy and protect

Plaintiff's right to pursue his claims in the 2015 action.

For the reasons stated herein, the Court finds that Plaintiff's complaint should be dismissed.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's complaint is **DISMISSED**.
2. The Clerk shall add the defendants from Case No. 3:16-cv-838 to Case No. 3:15-cv-452, and shall file Plaintiff's complaint in 3:16-cv-838 in Case No. 3:15-cv-452 and caption it as an Amended Complaint.

IT IS FURTHER ORDERED that Plaintiff's filing fee in the present case is waived; therefore the correctional facility is relieved from transmitting any monthly payments in response to the Clerk's Order. (Doc. No. 3).

The Clerk is respectfully directed to close this civil case.

SO ORDERED.

Signed: December 22, 2016



Frank D. Whitney
Chief United States District Judge